

THE HONORABLE THOMAS S. ZILLY

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARTIN MEAD, ANTHONY DISTEFANO,
ANTHONY TOTTENHAM, VINCE PARTIN,
CHARLES JOHNSON YOUNG, and JUSTIN
SMITH;

Plaintiffs,

vs.

SUPERIOR ENERGY SERVICES, LLC, a
Louisiana corporation, and JOSEPH DAYTON,
and the marital community comprised thereof,

Defendants.

No. 2:13-cv-1808-TSZ

**COMBINED JOINT STATUS
REPORT AND DISCOVERY
PLAN AS REQUIRED BY FRCP
26(F) AND LOCAL RULE CR 16**

The parties submit this Joint Status Report pursuant to Western District Local Rule 16(a), Federal Rule of Civil Procedure 26(f), and the Court's previous Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement.

1. Nature and Complexity of the Case.

This is a failure to pay wages and willful withholding of wages case involving claims by Plaintiffs for violations of the Fair Labor Standards Act "(FLSA)", 29 U.S.C. § 201 *et seq.*, RCW 49.46 *et seq.* and RCW 49.52 *et seq.* Plaintiff Distefano also asserted breach of

1 contract and promissory estoppel claims. Defendant Superior Energy Services denies
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3 liability for each of Plaintiff's claims and maintains that Plaintiff is not entitled to any
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5 damages as a result of its actions. This lawsuit is not unduly complex.
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8 **2. Proposed Deadline for Joining Additional Parties.**
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10 Any additional parties will be joined within 30 days. If any of Defendants are not
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12 served within 30 days, they will be removed from these proceedings.
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15 **3. Magistrate.** No, the parties do not consent to trial by magistrate.
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17 **4. Proposed Discovery Plan.**
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19 4.A. The parties held a FRCP 26(f) conference on November 27, 2013. Initial
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21 disclosures were exchanged on December 16, 2013.
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23
24 4.B. Discovery may be needed on the following subjects:
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- 26 • Claims asserted by Plaintiff;
- 27
- 28 • Damages asserted by Plaintiff; and
- 29
- 30 • Affirmative defenses asserted by Defendant.
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33 4.C. The parties agree to confer regarding the appropriate format for electronic
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35 discovery.
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38 4.D. The parties shall produce a privilege log identifying all documents withheld
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40 on privilege grounds. Where a privileged document or a document containing work-product
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42 information is inadvertently produced during discovery, the party producing the document
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44 shall, upon learning of its disclosure, immediately request its return. The parties shall engage
45
46 in good faith discussions regarding whether any document inadvertently disclosed during
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1 discovery shall be returned to the disclosing party and whether the inadvertent disclosure will
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 3 result in a waiver of the applicable privilege. If the parties' good faith discussions do not
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 5 resolve the issue, the party producing the document reserves the right to petition the Court for
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 7 an order that the document is privileged or contains work-product information and that
 8
 9 disclosure does not constitute a waiver of the applicable privilege. The parties hereby
 10
 11 expressly incorporate Fed. R. Evid. 502.
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 15 4.E. At this point the parties have not identified any necessary changes or
 16
 17 limitations on discovery imposed under the Federal and Local Civil Rules. The parties will
 18
 19 manage discovery so as to minimize expense by working cooperatively to limit depositions
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 21 and to focus discovery on disputed issues.
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 23

24 4.F. The parties expect to submit to the Court a proposed Stipulated Protective
 25
 26 Order that protects the confidentiality of documents and information exchanged in discovery
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 28 and which sets forth a process of seeking further protection for confidential documents which
 29
 30 may be used in discovery, motions practice, trial or otherwise in this matter.
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33 **5. Local Civil Rule 26(f)(1).**

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 35 5.A. Prompt Case Resolution. The parties have discussed settlement possibilities and
 36
 37 mediation.
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40 5.B. ADR Method. Plaintiff believes that private mediation may be appropriate in
 41
 42 this matter. To the extent that the parties agree to engage in ADR, they anticipate doing so
 43
 44 prior to the filing of any dispositive motions.
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47 5.C. There are no related cases.

1 5.D. Discovery Management.
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- 4 • Fact discovery should be completed by July 14, 2014.
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6 • Disclosure of Plaintiff's experts should be completed by May 12, 2014.
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8 • Disclosure of Defendant's experts should be completed by June 16, 2014.
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10 • Dispositive Motions shall be filed by September 15, 2014.
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12 5.E. Discovery may be needed on the following subjects:
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- 14 • Claims asserted by Plaintiff;
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16 • Damages asserted by Plaintiff; and
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18 • Affirmative defenses asserted by Defendant.
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22 5.F. Early resolution of dispositive motions is anticipated without the need to have
23 structured phasing of motions.
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25 5.G. The parties shall take all steps to preserve all discoverable information and
26 documents.
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29 5.H. ER 502 and FRCP 26(5)(B) standards, procedures and protocols provide
30 adequate standards and protocols in regard to inadvertent production of privileged
31 information.
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34 5.I./5.J. Complicated electronic discovery is not contemplated; a process apart from
35 the Model ESI discovery protocols is not anticipated or requested.
36
37

38 6. Fact discovery should be completed by July 14, 2014.
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41 Disclosure of Plaintiff's experts should be completed by May 12, 2014.
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1 Disclosure of Defendant's experts should be completed by June 16, 2014.

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3 Dispositive Motions shall be filed by September 15, 2014.

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6 **7.** The parties do not agree to bifurcation of trial.

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8 **8.** At this time, the parties do not agree to dispense with pretrial statements and pretrial
9 order.

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12 **9.** The parties may consider utilizing the ADR options set forth in Local Civil Rule 39.1.

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15 **10.** The parties will stipulate to undisputed facts and evidence at an appropriate time prior
16 to trial.

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19 **11.** The case should be ready for trial by December 15, 2014.

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22 **12.** Plaintiffs have demanded trial by jury.

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24 **13.** The parties believe the case will require 5 trial days.

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26 **14.** Plaintiffs' Counsel:

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37 Defendant's Counsel:

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45 **15.** The parties are unaware at this time of dates which may complicate the setting of a
46 trial date.
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1 **16.** All currently named defendants have been served as of the date of this report.
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3 **17.** The parties do not require a scheduling conference prior to the scheduling order being
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5 entered.
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7 **18.** Defendants will file their corporate disclosure statement pursuant to Fed. R. Civ. P.
8
9 7.1 and Local Rule 7.1
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14
15 DATED this 16th day of December, 2013.
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17

18
19 /s/ Kathryn Kuhlenberg
20

/s/ Adam Belzberg
21

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2013, I served a true and correct copy of the foregoing document, ***Combined Joint Status Report And Discovery Plan As Required By FRCP 26(f) And Local Rule CR 16***, on the following attorneys of record in the manner indicated below:

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____ Via Hand Delivery
____ Via U.S. 1st Class Mail
____ Via Facsimile
XX Via Email
XX Via ECF/WAWD Notification

I certify under penalty of perjury that the foregoing is true and correct.

Dated this 16th day of December, 2013.

s/ Danielle Conzelman
Danielle Conzelman, Paralegal
HKM Employment Attorneys PLLC